

FILED

October 25, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT**

for the

Western District of TexasBY: Valeria Sandoval
DEPUTYUnited States of America
v.

Alcapone Maximus Pena

Case No. SA:23-MJ-01500

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 25, 2023 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C §922(o)

Possession of a machinegun.

Penalties: Up to 10 years imprisonment, a fine not to exceed \$250,000,
or both such fine and imprisonment, and a period of supervised release
of not more than 3 years.

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.MOHAMED SHAWKAT Digitally signed by MOHAMED SHAWKAT
Date: 2023.10.25 16:21:40 -05'00'*Complainant's signature*

SA Mohamed Shawkat, ATF

Printed name and title

- ☐
- Sworn to before me and signed in my presence.
-
- ☒
- Sworn to telephonically and signed electronically.

Date: October 25, 2023City and state: San Antonio, Texas*Judge's signature*

HENRY J. BEMPORAD, U.S. MAGISTRATE JUDGE

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Mohamed Shawkat, being duly sworn do hereby depose and state:

1. Your Affiant is currently employed as a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since April 2021 and is currently assigned to the San Antonio Field Office. Prior to April 2021, your Affiant was employed as an Undercover Narcotics Detective for the City of Virginia Beach. Your Affiant has a combined total of over 9 years of law enforcement experience and training with experience in investigations concerning violations of Title 18.
2. On Wednesday, October 25, 2023, ATF executed a federal search warrant (SA:23-MJ-01450) on 5610 Medina Farm, in San Antonio, in the Western District of Texas. **Alcapone Maximus PENA** was present at the location of the search warrant. A search of the residence revealed a book bag located in the kitchen which contained 11 firearms. One of those firearms was a Black Glock 19 pistol SN: BDHW127 with a Gold Machine Gun Conversion Device (MCD). This device is intended to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.
3. **Alcapone Maximus PENA** was transported to the ATF San Antonio field office where he received and acknowledged his Miranda warnings. **PENA** took ownership of the firearms found in the book bag. **PENA** stated he purchased the Glock that contained the MCD from an individual named “Adrian.” **PENA** claimed he planned on selling the firearms to make some money.
4. ATF conducted records check on **PENA** in the National Firearms Registration and transfer record (NFRTR). **PENA** did not have anything registered in NFRTR.
5. Based on the above facts, your affiant believes there is probable cause that **Alcapone Maximus**

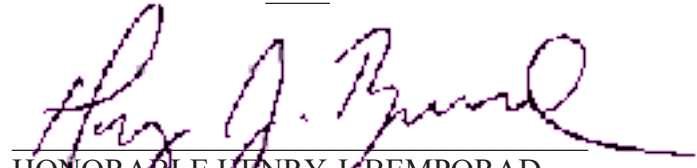
PENA possessed the Glock 19 pistol SN: BDHW127 with a Gold Machine Gun Conversion device which is a violation of 18 U.S.C. §922 (O).

**MOHAMED
SHAWKAT**

Digitally signed by MOHAMED
SHAWKAT
Date: 2023.10.25 16:21:58 -05'00'

Special Agent Mohamed Shawkat
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SUBSCRIBED AND SWORN TELEPHONICALLY ON THIS 25th DAY OF October 2023.

A handwritten signature in blue ink, appearing to read "Henry J. Bemporad", written over a horizontal line.

HONORABLE HENRY J. BEMPORAD
United States Magistrate Judge